

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BENJAMIN JUSTIN BROWNLEE,

Plaintiff,

v.

JACKIE OVERSTREET,

Defendant.

No. 2:21-cv-00610-DAD-DMC (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND GRANTING
DEFENDANT'S MOTION TO DISMISS

(Doc. Nos. 35, 40)

Plaintiff Benjamin Justin Brownlee is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 30, 2024, the assigned magistrate judge issued findings and recommendations recommending that defendant's motion to dismiss this action (Doc. No. 35) be granted. (Doc. No. 40.) Those findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within fourteen (14) days from the date of service. (*Id.* at 8.) To date, no objections to the pending findings and recommendations have been filed, and the time in which to do so has now passed.

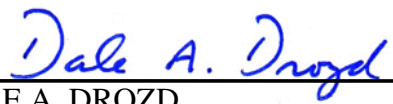
In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the findings and recommendations are supported by the record and by proper analysis.

1 Accordingly,

- 2 1. The findings and recommendations issued on July 30, 2024 (Doc. No. 40) are
3 adopted in full;
4 2. Defendant's motion to dismiss (Doc. No. 35) is granted;
5 3. This action is dismissed, without leave to amend; and
6 4. The Clerk of the Court is directed to close this case.

7 IT IS SO ORDERED.

8 Dated: August 27, 2024


9 DALE A. DROZD
10 UNITED STATES DISTRICT JUDGE
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